

DUNCAN MILLER

IBLA 73-270

Decided March 15, 1973

Appeal from decisions (S-5434 and S-5439) by California State Office, Bureau of Land Management, requiring stipulations for oil and gas leases.

Affirmed.

Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas  
Leases: Noncompetitive Leases

An applicant for an oil and gas lease must give written acceptance of reasonable special stipulations requested by the Bureau of Land Management relating to protection of the land and surface resources as a condition precedent to issuance of noncompetitive public domain oil and gas leases, and there is no authority for the Government to credit a lessee for his expenses in complying with such stipulations.

APPEARANCES: Duncan Miller, pro se.

OPINION BY MR. FISHMAN

Duncan Miller has appealed from decisions dated December 13, 1972, by which the California State Office, Bureau of Land Management, required him to accept special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under section 17, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to his lease offers, S-5434 and S-5439. The applicant was required to execute a State Office stipulation form CSO-3100-9 (Nov. 1972) for each of his lease offers. The form provides, in part, as follows:

An environmental analysis will be made by the Geological Survey in consultation with the Bakersfield District Office for the purpose of insuring proper protection of the surface, the natural resources, the environment, existing improvements, and for assuring timely reclamation of disturbed lands.

Upon completion of said environmental analysis, the Area Oil and Gas Supervisor shall notify lessee of the conditions, if any, to which the proposed surface disturbing operations will be subject.

On this appeal the appellant states that he recognizes the necessity for such analysis and such conditions and he does not object to them. However, he " \* \* \* feels that any expense required by these conditions to which the lease is committed should have the additional condition that there will be a credit to the lessee for this expense."

The answer to appellant's contention is that compliance with the stipulations or conditions is an essential ingredient of the lease terms, and there is no legal or regulatory basis for the Government crediting a lessee for the expense thereof or for the Government, in effect, bearing such expense. The burden, including its financial aspects, of complying with environmental stipulations made in connection with oil and gas leases is solely a lessee's responsibility. See John Oakason, 3 IBLA 148 (1971).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed. Miller is allowed 30 days from the date of this decision within which to submit to the State Office, Bureau of Land Management, executed copies of the required stipulations, failing in which his offers, S-5434 and S-5439, will stand as rejected without further notice.

Frederick Fishman, Member

We concur:

Anne Poindexter Lewis, Member

Joan B. Thompson, Member.

